IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 1896 OF 1980

Bank of Maharashtra ....Plffs.
vs.
M/s. Indian Comm.Corp. and Ors. ....Defnds.

C.D. D'souza i/b. Crawford Bayley and Co. for plffs.

Ms. Sharma with K.S. Jain for defnd no.1

V. Shah i/b. Kanga and Co. for defendant no.3.

CORAM: S.U. KAMDAR, J.

DATE : 8TH AUGUST, 2005.

P.C. :

. The suit is of 1980. The matter was on board on 19.7.2005. The issues were settled. The matter was therefore posted to 25.7.2005. The learned counsel appearing for the plaintiff took time to file evidence and other documents. The matter was thereafter listed on 29.7.2005. In view of the rains the matter was once again adjourned to 1.8.2005. Thereafter the matter appeared on 2.8.2005. Once again the learned counsel for the plaintiff did not remain present. Therefore the matter was kept on 3.8.2005. On

3.8.2005 the matter was on board when the learned counsel applied for time once again on the ground of rains. Thrice the matter was adjourned on the ground of rains. Today the learned counsel has produced a letter dated 5.8.2005 addressed by the branch manager telling that they are not able to depute any person to lead evidence. The rain is already over and the adjournment is granted thrice on this ground. The plaintiff is not prosecuting the suit any further. Learned advocate for the plaintiff states that by the letters addressed by the bank dated 26.7.2005 no person has been deputed to lead evidence. Thereafter further letters are addressed on 2.8.2005 and 4.8.2005 but the plaintiff has taken no steps to prosecute the suit further.

2. In the aforesaid circumstances I dismiss the suit in view of the fact that it is the public money which is involved in the present case, it is necessary that necessary inquiries be directed against the manager for not prosecuting the present suit. In view thereof I direct the

Chairman of the branch to take action against the concerned officer and submit a compliance report to this court within a period of four weeks from today.

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